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**\*E-FILED - 7/16/09\***

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
KEVIN VO,  
  
Defendant.

No. CR 08-00402 RMW

PARTIES' JOINT REQUEST TO TAKE  
KEVIN VO'S MOTION TO SUPPRESS  
HIS STATEMENT OFF CALENDAR;  
ORDER []

Date: July 13, 2009  
Time: 2:00 p.m.

Before The Honorable Ronald M. Whyte

The parties jointly ask the Court to take Kevin Vo's motion to suppress the statement he made during his custodial interrogation on June 4, 2008, off calendar. The basis for the request is that the parties are in the midst of serious and promising plea negotiations that, if successful, would render the motion moot.

The parties agree that, should the negotiations fall through, Kevin Vo would be entitled to re-submit the motion.

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REQUEST TO TAKE MOTION  
OFF CALENDAR

1 SO STIPULATED:

2 DATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

3  
4 / s /

5 DAVID R. CALLAWAY  
6 Assistant United States Attorney  
7 Counsel for United States

8 DATED:

/ s /

9 ALLEN H. SCHWARTZ, ESQ.  
10 Counsel for Defendant Kevin Vo

11  
12 **ORDER**

13 For the reasons set forth above, and good cause appearing,

14 IT IS HEREBY ORDERED that the pending motion by defendant Kevin Vo to suppress  
15 his statement, currently scheduled to be heard on July 13, 2009, is hereby taken **OFF**  
16 **CALENDAR**. Defendant shall be permitted to re-submit the motion at a later time, should he  
17 elect to do so.

18  
19 Date: 7/16/09

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21 RONALD M. WHYTE  
22 United States District Judge  
23  
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